## STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
DIANE M. TINOCO,	)		
Complainant,	) ) )	CHARGE NO EEOC NO: ALS NO:	
PENTAPLEX, CHUCK DENNIS JONES, and THIBAULT,			
Respondents.	)		

## RECOMMENDED ORDER AND DECISION

This matter is ready for a Recommended Order and Decision pursuant to the Illinois Human Rights Act (775 ILCS 5/101 et seq.). On March 29, 2001, a Recommended Liability Determination was entered in favor of Complainant. In addition to awarding Complainant certain emotional damages, the Order directed Complainant to file a petition for attorney fees and costs within 21 days from the date of the Recommended Liability Determination. Complainant has failed to file a petition for fees and costs, although the deadline for filing same has passed. The Recommended Liability Determination is incorporated in its entirety in the instant order by reference.

## **Findings of Fact**

Based on the record in this case, I make the following findings of fact:

- 1. On March 29, 2001, a Recommended Liability Determination was entered in favor of Complainant. In the Order, Complainant was directed to file a petition for attorney's fees and costs within 21 days from the date of the Order. The Order also indicated that the failure to file said petition would be considered a waiver of any claim for said fees and costs.
- 2. Complainant has not filed a petition for fees and costs as of the date of this order and has not filed a motion seeking an extension of time to file same.

**Conclusions of Law** 

A prevailing complainant's failure to file a petition for fees and costs when directed to do

so may constitute a waiver of said claims.

**Discussion** 

Once there has been a finding that Respondent violated the Human Rights Act and

damages have been determined, the focus of the remaining inquiry concerns the amount of fees

and costs that may be awarded to Complainant under the act. (See, 775 ILCS 5/8A-104(G).) In

the March 29, 2001 Recommended Liability Determination, Complainant was directed to file a

petition for fees and costs within 21 days of the date of the Recommended Liability

Determination. The Order expressly provided that failure to file such a petition would be taken

as a waiver of Complainant's claim. Here, I note that Complainant has not filed a petition, that

the deadline for filing a petition has passed, and that Complainant has not filed a motion seeking

an extension of time to file same. Moreover, there is no explanation in this record as to why

Complainant failed to comply with the deadline set forth in the March 29, 2001 Recommended

Liability Determination. Thus, under these circumstances, I find that Complainant has waived

any claim to either fees or costs, and that Complainant's remedies should be limited to those

contained in the Recommended Liability Determination.

Recommendation

For all of the above reasons, I recommend that Complainant receive only the relief set

forth in the Recommended Liability Determination as her remedy under the Human Rights Act.

**HUMAN RIGHTS COMMISSION** 

BY:

MICHAEL R. ROBINSON Administrative Law Judge

Administrative Law Section

ENTERED THE 4th DAY OF MAY, 2001

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